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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,686	08/25/2003	Sharidan Lorraine Stiles	STILES.1C1CP1	3777
20995 7590 10/03/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
			NOTIFICATION DATE 10/03/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/648,686

Applicant(s)

STILES, SHARIDAN LORRAINE

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 15, 21-24, 27, 28 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 15, 21-24, 27, 28 and 33-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Appendix A-C.

### DETAILED ACTION

It is noted that the addition of new Figure 6C is not new matter. Anyone of ordinary skill in the art would look at Figures 6A and 6B and realize that by shrinking angle B to an angle less than  $90^\circ$ , the razor would incorporate shape shown in Figure 6C.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 7, 8, 21, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger (D259,743) in view of Heller (4,700,477). (See Appendix A for examiner added reference numerals to Hollinger. In regards to claim 1, Hollinger discloses the invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion having a razor blade with a straight cutting edge attached to the upper portion (14), the head portion and razor blade are capable of shaving hair (Title), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the second and third axes form a fixed extension angle that is less than  $90^\circ$  (104), the extension angle is defined by a portion of the second axis starting from the intersection of the second and third axes extending towards an intersection of the first and second axes (B') and a

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portion of the third axes starting from the intersection of the second and third axes and extending toward the razor head (A'), the extension angle faces the front of the razor (104), the first and second axes intersect at a single point and form a fixed contour angle that is less than  $180^\circ$  (105), and the contour angle is defined by a portion of the first axis starting from the intersection of the first and second axes and extending toward an end of the razor handle portion (C') and a portion of the second axis starting from the intersection of the first and second axes and extending toward the intersection of the second and third axes (B').

In regards to claims 2, 5, 7, 8, and 38, Hollinger discloses the invention including the head portion is disposable (14), the length of the upper longitudinal portion is greater than the width of the head portion (100 and Fig. 3), the lower longitudinal portion has a first curved shape (102) and the middle portion has a second curved shape (101), the curved shaped form an ergonomical grip (101 and 102), a glide surface area and a blade area (Fig. 2), the glide area is larger than the blade area (all portions of the head that are not in direct contact with the blade is considered part of the glide area), and the cutting edge extends beyond the head portion (this is inherent or the blade could not cut) such that no portion of the head portion extends beyond the cutting edge and no part of the razor obstructs the cutting edge (Fig. 1).

However, with respect to claims 1 and 21, Hollinger fails to disclose the head portion is equal to or less than  $\frac{1}{4}$ " wide.

Heller teaches it is old and well known in the art of razors to incorporate a head portion is that equal to or less than  $\frac{1}{4}$ " wide (Column 2 lines 27-28). Therefore, it would

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have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Heller, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

3. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller as applied to claim 1 above, and further in view of Lazarchik (4,785,534). Hollinger in view of Heller disclose the invention but fail to the head portion is pivotally mounted on the handle portion and Hollinger is silent with respect to the number of blades so Hollinger in view of Heller fail to disclose a second razor blade mounted parallel to the razor blade.

Lazarchik teaches it is old and well known in the art of razors to incorporate a head portion that is pivotally mounted on the handle portion (Abstract lines 1-2) and a second razor blade mounted parallel to the razor blade (8). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger in view of Heller with the head portion specifics, as taught by Lazarchik, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

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4. Claims 4, 27, 33, 35, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller. (See Appendix B for examiner added reference numerals to Hollinger. In regards to claim 4, Hollinger discloses the invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion having a razor blade with a straight cutting edge attached to the upper portion (14), the head portion and razor blade are capable of shaving hair (Title), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the second and third axes form a fixed extension angle that is greater than  $90^\circ$  (104), the extension angle is defined by a portion of the second axis starting from the intersection of the second and third axes extending towards an intersection of the first and second axes (B') and a portion of the third axes starting from the intersection of the second and third axes and extending toward the razor head (A'), the extension angle faces the front of the razor (104), the first and second axes intersect at a single point and form a fixed contour angle that is less than  $180^\circ$  (105), and the contour angle is defined by a portion of the first axis starting from the intersection of the first and second axes and extending toward an end of the razor handle portion (C') and a portion of the second axis starting from the intersection of the first and second axes and extending toward the intersection of the second and third axes (B').

In regards to claims 33, 35, 37, and 39, Hollinger discloses the invention including the head portion is disposable (14), the length of the upper longitudinal portion is greater than the width of the head portion (100 and Fig. 3), a glide surface area and a blade area (Fig. 2), the glide area is larger than the blade area (all portions of the head that are not in direct contact with the blade is considered part of the glide area), and the cutting edge extends beyond the head portion (this is inherent or the blade could not cut) such that no portion of the head portion extends beyond the cutting edge and no part of the razor obstructs the cutting edge (Fig. 1).

However, with respect to claims 4 and 27, Hollinger fails to disclose the head portion is equal to or less than  $\frac{1}{4}$ " wide.

Heller teaches it is old and well known in the art of razors to incorporate a head portion is that equal to or less than  $\frac{1}{4}$ " wide (Column 2 lines 27-28). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Heller, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

5. Claims 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller as applied to claim 4 above, and further in view of Lazarchik. Hollinger in view of Heller disclose the invention but fail to the head portion is pivotally mounted on the handle portion and Hollinger is silent with respect to the

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number of blades so Hollinger in view of Heller fail to disclose a second razor blade mounted parallel to the razor blade.

Lazarchik teaches it is old and well known in the art of razors to incorporate a head portion that is pivotally mounted on the handle portion (Abstract lines 1-2) and a second razor blade mounted parallel to the razor blade (8). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger in view of Heller with the head portion specifics, as taught by Lazarchik, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

6. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb (Des. 169,147). (See Appendix C for examiner added reference numerals to Heller.) In regards to claim 10, Heller discloses the invention including a handle portion (10), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14 and 16), the head portion is less than ½ inch wide (Column 2 lines 27-30), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a first curved shape (102a), a middle longitudinal portion of a second curved shaped



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attached lengthwise to the lower longitudinal portion (101a), and a waist portion is formed between the first and second curved shape (101).

In regards to claim 23, Heller discloses the head portion has a width of less than ¼ inch (Column 2 lines 27-30).

However, Heller fails to disclose an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape.

Lamb teaches that it is old and well known in the art of razor handles to incorporate an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with the an ergonomically shaped handle, as taught by Lamb, the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Heinrich. Heller in view of Lamb disclose the invention but fail to disclose a replaceable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a replaceable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a

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replaceable pivoting head portion, as taught by Heinrich, the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Carreker. Heller in view of Lamb disclose the invention but fail to disclose a second razor blade mounted substantially parallel to the razor blade.

Carreker teaches that it is old and well known for miniature grooming shaving heads to incorporate a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a second blade, as taught by Carreker, the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

9. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller. Hollinger in view of Heller disclose the invention but fails to disclose a head portion that is equal to or less than  $1/8$  inch wide. It is noted that  $1/8 = 2/16$ . Heller discloses the width to be approximately  $3/16 - 1/4$ . Approximately

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roughly means near and  $2/16$  is near  $3/16$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion  $1/8$  inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion  $1/8$  inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claims 22 and 28. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense. In this case, it is common sense to reduce the size of a blade to fit in a smaller area.

10. Claims 10 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller and Smith (4,335,509). (See Appendix A for examiner

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added reference numerals.) In regards to claim 10, Hollinger discloses the invention including a handle portion (100-102), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a first curved shape (102), and a middle longitudinal portion of a second curved shaped attached lengthwise to the lower longitudinal portion (101).

In regards to claim 40, Hollinger discloses the cutting edge extends beyond the head portion (this is inherent or the blade could not cut) such that no portion of the head portion extends beyond the cutting edge and no part of the razor obstructs the cutting edge (Fig. 1).

However, Hollinger fails to disclose the head portion is less than or equal to  $\frac{1}{2}$ " wide and a substantially hour-glass shaped handle portion with a waist in between the lower and middle longitudinal portions.

Heller teaches it is old and well known in the art of razors to incorporate a head portion is that equal to or less than  $\frac{1}{2}$ " wide (Column 2 lines 27-28). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Heller, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Smith teaches it is old and well known in the art of razor handles to incorporate a substantially hour-glass shaped handle portion with a waist in between the lower and middle longitudinal portions (Figs. 1-3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the handle portion, as taught by Smith, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb. Heller in view of Lamb disclose the invention but fail to disclose a head portion that is equal to or less than  $1/8$  inch wide. It is noted that  $1/8 = 2/16$ . Heller discloses the width to be approximately  $3/16 - 1/4$ . Approximately roughly means near and  $2/16$  is near  $3/16$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion  $1/8$  inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion  $1/8$  inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a

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particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claim 24. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense. In this case, it is common sense to reduce the size of a blade to fit in a smaller area.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-8, 21, 22, 27, 28, 33-37 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments filed 18 July 2007, with respect to claims 10-12 and 15 have been fully considered but they are not persuasive. The combination of Heller in View of Lamb clearly discloses the claimed invention. First it is old and well known in the art of all handled tools to shape the handle in order to give the user a better grip. Looking at Lamb, below the razor head and above the handle is a stem portion. This stem portion is the equivalent to the stem portion 10 in Heller. The handle of Lamb is the equivalent to the handle 12 in Heller. Replacing the portion 12 only of Heller with the handle portion of Lamb would still allow the user to perform the intended use. Also, Heinrich clearly teaches a pivotally mounted razor head portion. The razor head pivots

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about shaft 13. Since, the substitution of one known element of attachment for another would have yielded predictable results, it would have been obvious.

It is noted that this Office action has been made final, even though, this Office action incorporates a second new rejection to claim 10. The addition of new claim 40 makes this rejection necessary and therefore, the finality is proper.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 8:00-5:30, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 26, 2007

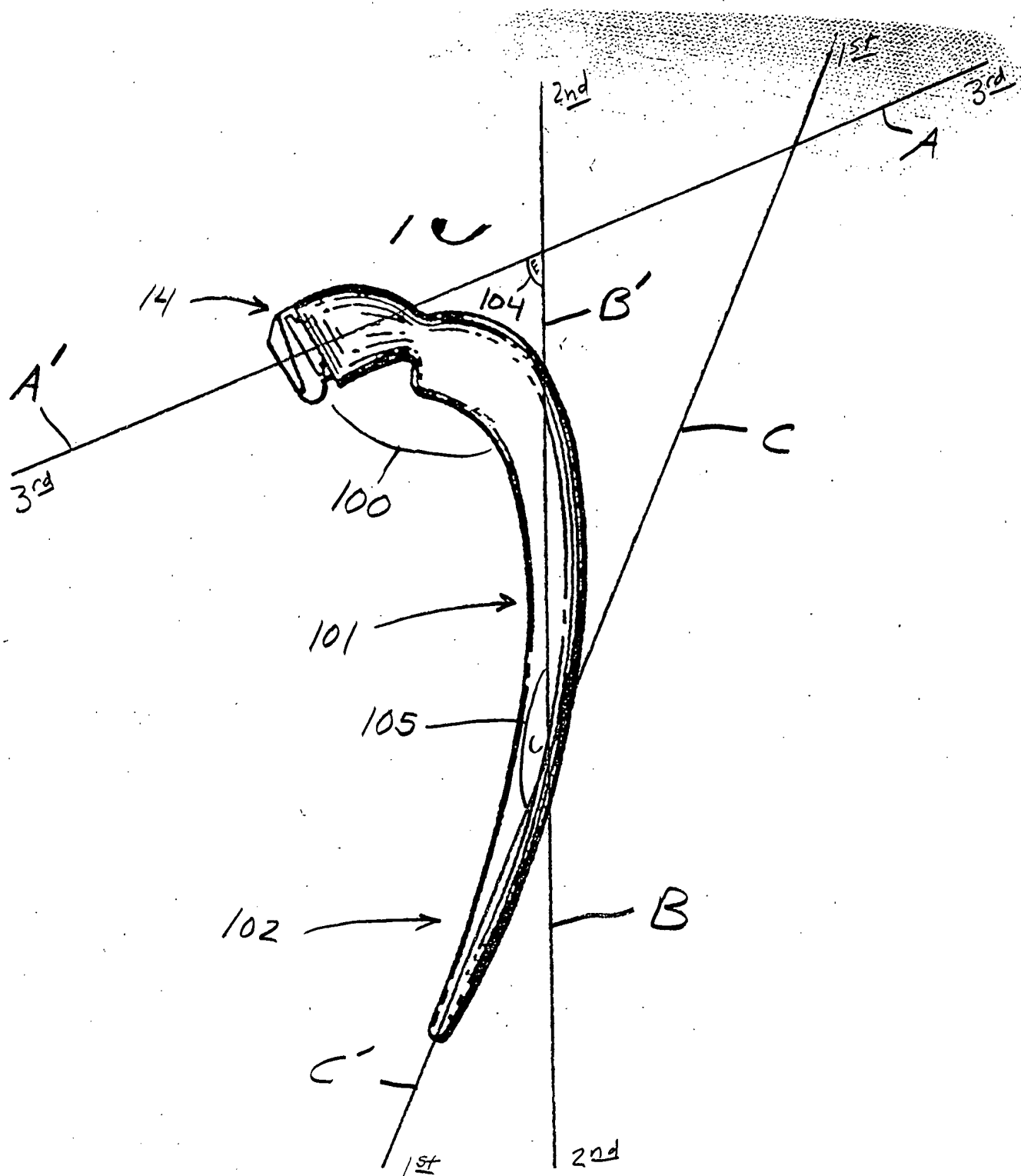


Patent Examiner  
Jason Prone  
Art Unit 3724  
T.C. 3700



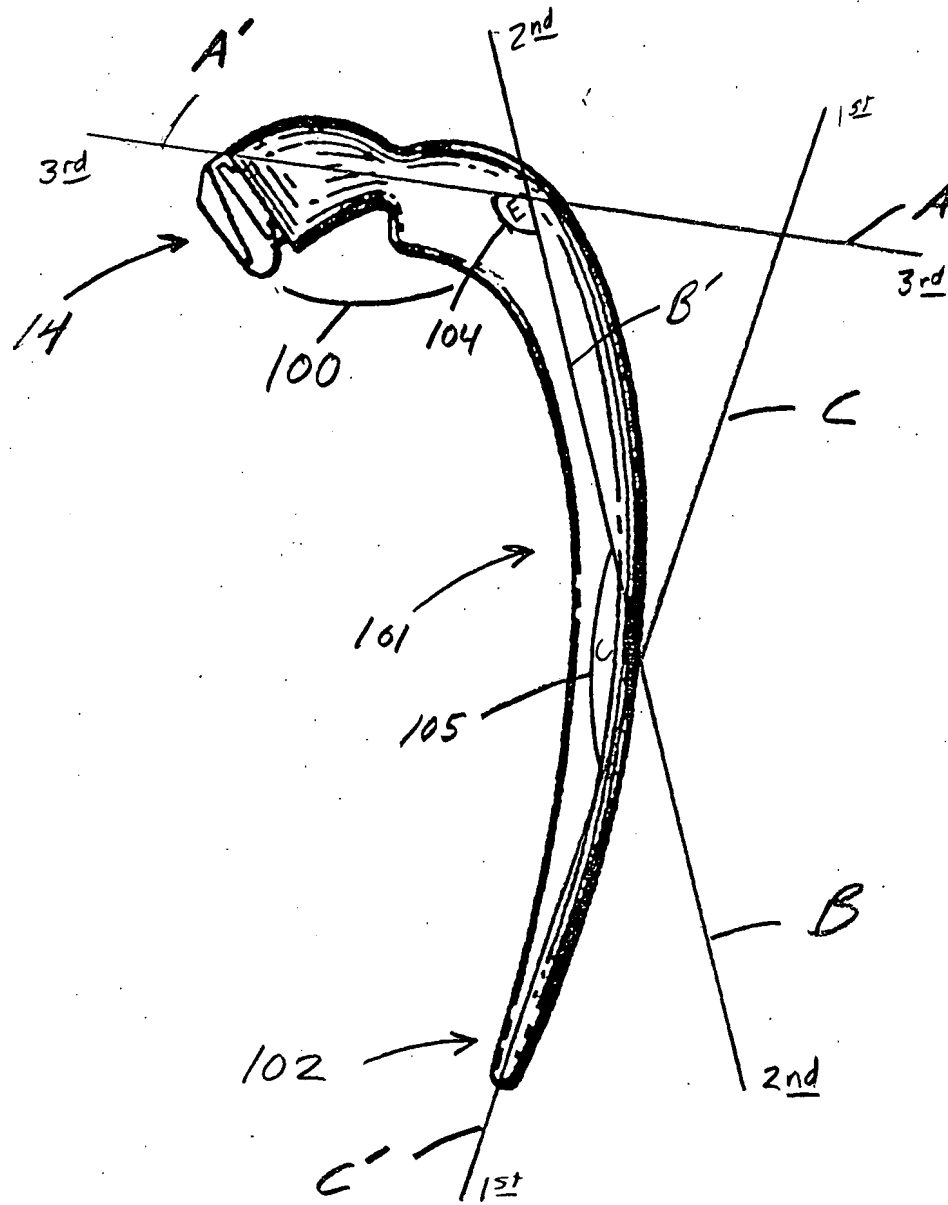
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Appendix A



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Appendix B



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Appendix C

